



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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M-95-02

TO: Interested Persons  
FROM: Michael J. Sullivan, Director *mjs*  
SUBJECT: Chapter 292 of the Acts of 1994  
DATE: January 11, 1995

On January 9, 1995, Governor Weld signed into law Chapter 292 of the Acts of 1994. In general, Chapter 292 clarifies and makes technical corrections to the campaign finance law, M.G.L. c. 55, as amended last year by Chapter 43 of the Acts of 1994 although it also makes some substantive changes in the law. This memorandum outlines these changes and supplements the office's memorandum, M-94-06, which outlined the major changes effected by Chapter 43.

**City, Town and Ward Committees.** Chapter 292 amends chapter 55 to provide that city, town or ward committees which have no financial activity greater than \$100 in a reporting period (which do not receive contributions or make expenditures of more than \$100 and do not incur liabilities or obtain or dispose of assets of more than \$100) no longer are required to file any campaign finance reports or an affidavit. City, town and ward committee treasurers should note that when such a committee has campaign finance activity greater than \$100 in a reporting period, the committee must file a report which includes all campaign finance activity since the committee's last report.

**Employer/Occupation Contributor Information.** Chapter 292 clarifies that the new provisions of chapter 55, which require the reporting of a contributor's occupation and employer if a contribution is \$200 or more, apply to both depository and non-depository candidates and to all other political committees. Chapter 292 also clarifies that all political committees, not just candidate committees, may retain contributions of \$200 or more even if the candidate or committee is unable to obtain the required contributor information regarding occupation and employer provided such committees comply with so-called "best efforts" requirements set forth in M.G.L. c. 55, s. 2.

**Legislative and Executive Agents.** Chapter 43 added new definitions of "legislative agent" and "executive agent" to the campaign finance law. Chapter 292 delays implementation of these new definitions until July 1, 1995 and extends the old

definition of "legislative agent" until July 1. Therefore, the \$200 contribution limitation established for such agents will, until July 1, 1995, apply only to legislative agents since "executive agents" do not exist until July 1.

**Money Orders.** Chapter 292 amended section 9 of M.G.L. c. 55 to prohibit a candidate or political committee from accepting contributions of more than \$50.00 in a calendar year made by money order or other negotiable instrument (bank check, cashier's check, traveler's check) other than a check on which the contributor is directly liable such as a personal check or, in connection with a ballot question, a corporate check.

**Municipal Depository Candidates.** Chapter 292 amends the new law to exclude from the depository system school committee candidates running citywide in cities with a population of 100,000 or more. Chapter 292 also provides that banks handling the campaign accounts of a mayor or other municipal candidate running citywide (other than a school committee candidate in such cities) must file a copy of the candidate's reports with the election commission or city clerk. In addition, Chapter 292 clarifies that such municipal depository candidates, who now report to OCPF through the depository system as a result of Chapter 43, will not also have to report locally as non-depository candidates.

**People's Committees.** Chapter 292 clarifies that so-called "people's committees" may "only receive contributions from individuals in an amount or value of \$100 or less." People's committees may not receive any contributions of any amount from any political committee, association or other organization.

**Political Party Committees.** Chapter 292 clarifies that the term "political party committee" applies only to a committee organized "in accordance with chapter 52," i.e. city, town and ward committees as well as a state party committee. Other political committees, which have permission to use a political party's name, are defined as PACs or, if the committee meets the criteria set forth in M.G.L. c. 55, s. 1, people's committees. See OCPF Interpretive Bulletin IB-94-02.

**Regulated Intermediaries and Conduits.** Chapter 292 clarifies which "intermediaries" or "conduits" are regulated by the campaign finance law. The reporting and limitations provisions apply to legislative agents, executive agents (as of July 1, 1995), lobbying organizations, PACs and persons charged with the responsibility of delivering contributions from the employees or officers of a corporation.

**Year End Reports Due Date.** Chapter 292 changes the reporting date for all year end campaign finance reports from January 10 to January 20. Such reports are now due on or before January 20. Chapter 292 does not change any other reporting date.